



John H. Teel, M.S., R.S, Executive Director

Deborah L. Marlow, RS, Assistant Deputy Director for Environmental Health Services

Christopher Copple, AICP, Director of Development Services

Variance Requirements for a Dog Friendly Patio

A variance request is a written document submitted and signed by the owners of an establishment when requesting a modification or waiver to the requirements of the Texas Food Establishment Rules (TFER). A variance will be granted by the regulatory authority if a health hazard or nuisance will not result from the requested variance. A written confirmation allowing the variance will be provided to the owner of the establishment.

The TFER states in §229.167(p)(15) that “...Live animals may not be allowed on the premises of a food establishment.” The TFER defines “premises” as “The physical facility, its contents, and the contiguous land or property under the control of the permit holder” (§229.162(76)). Exceptions are made for dogs and miniature horses that are trained as service animals and conform to the requirements of the Americans with Disabilities Act (ADA).

In order to obtain a variance allowing a “Dog Friendly Patio” (Patio), the following information must be submitted to Williamson County and Cities Health District, 303 S. Main, Georgetown, TX 78626, attention Kay Kelley, RS, Team Lead, Retail Food Program:

- The rationale for how the potential public health hazards and nuisances addressed by TFER will be alternatively addressed by the proposal. Provide information regarding your new process and how it will meet the intent of these regulations.
- A diagram, drawn to scale, of the Patio. This diagram will illustrate the following:
 - Indication of the nearest entrance to the food establishment and any additional outdoor service areas (i.e. outdoor bars, wait stations) in relation to the Patio;
 - Placement of tables/chairs on the Patio;
 - Boundaries of designated area and other outdoor areas not available to dogs;
 - All barriers (fences) that prevent the dogs from leaving the Patio; and
 - Entrance and exit for the Patio.
- Description of methods used to keep the patio free of visible dog hair, dander and other dog-related waste or debris.
- Description of methods used to clean and sanitize the outdoor patio and when the cleaning will occur;
- Description of methods used to prevent flies on the patio and how they will be prevented from entering the Food Establishment.
- An indication of where the items used to clean the patio are stored.
- Sample of proposed signage for the patio.
- How consumers will be notified of the requirements for use of the patio (i.e. dogs must be on leash at all times, is not allowed on seats, tables, countertops, etc.)
- Outline of the training that will be provided all staff that will work in this area, including steps to be taken when a customer does not comply with these requirements.



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Variance Request – Dog Friendly Patio

Food Establishment Name _____

Address _____

Owner Name _____

Owner Phone _____

Owner E-mail _____

This is a written request for a variance to the Texas Food Establishment Rules (TFER), 229.167(p)(15) which states that "...Live animals may not be allowed on the premises of a food establishment". The TFER defines "premises" as the physical facility, its contents, and the continuous land or property under the control of the permit holder".

To provide the same level of food safety required in the TFER, I will provide the following safeguards:

- An outdoor patio separated from the remaining premises by a barrier (fence).
- An outside entrance to the patio that prevents the dog from entering any other areas of the Food Establishment.
- Post a sign that states "Dog Friendly Patio – Dog Access Only Through Outdoor Patio".
- Ensure that the dogs are not within seven (7) feet of any entrance to the interior of the Food Establishment unless necessary to enter or exit the patio.
- Ensure that all doors allowing access from the patio to the interior of the Food Establishment are equipped with self-closing devices.
- Ensure that pests are controlled at all times.
- Ensure that no food preparation, including mixing drinks or serving ice, is performed on the patio. Beverages may be refilled from a pitcher or other container filled or prepared inside the Food Establishment
- Ensure that tables on the patio will not be set up with utensils, plates, glasses, or condiments until the customer is seated. Dogs may not have contact with any of these items.
- Ensure that dogs are accompanied by the owner at all times.
- Ensure that dogs are not fed any food, including dog food, snacks or treats
- Ensure that dogs be kept on a leash and remain under the owner's control at all times
- Ensure that all dogs wear a collar or harness with a current rabies tag attached.
- Ensure dogs are not on a seat, table, countertop, or similar surface in the outdoor patio area
- Provide training for all employees on the following:
 - Staff may not pet or have contact with any dog.
 - Outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris.
 - Patio must be hosed down or mopped with animal friendly chemicals at each shift change or every six hours, whichever comes first.

- Waste created by animal must be cleaned up immediately, no longer than 5 minutes after the occurrence. All dog waste must be disposed of outside the Food Establishment in an appropriate waste receptacle
- Equipment used to clean the outdoor patio must be kept outside the Food Establishment.

I hereby certify that the above named food establishment will comply with the above conditions and standards and any other conditions and standards that may be established by the regulatory authority to secure and maintain a variance from Sec. 2.11.003 of the City of Cedar Park Code of Ordinances. If the person-in-charge fails to comply with the standards and conditions established by the regulatory authority, the regulatory authority may revoke the privilege of the food establishment to allow dogs to be present in the outdoor patio area of the food establishment. I also understand that this privilege is non-transferable and is valid only at the location listed on this form.

Owner Name (Please Print)

Owner Signature

Date

EXECUTED this _____ day of _____.

By: _____
Applicant

THE STATE OF TEXAS §
COUNTY OF WILLIAMSON §

This foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____, Applicant.

Given under my hand and seal of office this _____ day of _____, _____.

Notary Public's Signature

Return To: City of Cedar Park
Development Services Intake
450 Cypress Creek Road, Building 2
Cedar Park, Texas 78613
512-401-5100